

(iii) An order shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§ 51.104, 51.105, 51.261 and 51.262(a).

(2) Notwithstanding the limitations of paragraph (b)(1)(ii) of this section, an order may be granted which provides for compliance beyond the statutory attainment date for a national standard where compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such order may not defer compliance for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.

[38 FR 30877, Nov. 8, 1973, as amended at 51 FR 40675, 40676, 40677, Nov. 7, 1986; 52 FR 24367, June 30, 1987]

#### §§ 52.829–52.832 [Reserved]

#### § 52.833 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are met, except for sources seeking permits to locate on Indian lands in the state of Iowa; and certain sources affected by the stack height rules described in a letter from Iowa dated April 22, 1987.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of Iowa for sources wishing to locate on Indian lands; and certain sources as identified in Iowa's April 22, 1987, letter.

[71 FR 16053, Mar. 30, 2006]

#### § 52.834 Control strategy: Sulfur dioxide.

Approval—On April 21, 1997, the Iowa Department of Natural Resources (IDNR) submitted a maintenance plan and redesignation request for the Muscatine County nonattainment area. The maintenance plan and redesignation request satisfy all applicable requirements of the Clean Air Act.

[63 FR 13345, Mar. 19, 1998]

### Subpart R—Kansas

#### § 52.869 [Reserved]

#### § 52.870 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable SIP for Kansas under Section 110 of the CAA, 42 U.S.C. 7401 *et seq.* and 40 CFR Part 51 to meet NAAQS.

(b) *Incorporation by reference.*

(1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 1, 2008, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after December 1, 2008, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 7 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of December 1, 2008.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; at the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (913) 551-7659; for material from a docket in EPA Headquarters Library, please call the Office of Air and Radiation Docket at (202) 566-1742. For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) *EPA-approved regulations.*

## EPA-APPROVED KANSAS REGULATIONS

Kansas citation	Title	State effective date	EPA approval date	Explanation
Kansas Department of Health and Environment Ambient Air Quality Standards and Air Pollution Control				
General Regulations				
K.A.R. 28–19–6 .....	Statement of Policy .....	1/1/72	5/31/72, 37 FR 10867 ..	Kansas revoked this rule 5/1/82.
K.A.R. 28–19–8 .....	Reporting Required .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–9 .....	Time Schedule for Compliance .....	5/1/84	12/21/87, 52 FR 48265.	
K.A.R. 28–19–10 .....	Circumvention of Control Regulations.	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–11 ....	Exceptions Due to Breakdowns or Scheduled Maintenance.	1/1/74	11/8/73, 38 FR 30876.	
K.A.R. 28–19–12 .....	Measurement of Emissions .....	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–13 .....	Interference with Enjoyment of Life and Property.	1/1/74	11/8/73, 38 FR 30876.	
K.A.R. 28–19–14 .....	Permits Required .....	1/24/94	7/17/95, 60 FR 36361.	
K.A.R. 28–19–15 ....	Severability .....	1/1/71	5/31/72, 37 FR 10867.	
Nonattainment Area Requirements				
K.A.R. 28–19–16 ....	New Source Permit Requirements for Designated Nonattainment Areas.	10/16/89	1/16/90, 55 FR 1420.	The EPA deferred action on the state's current definition of the terms "building, structure, facility, or installation"; "installation"; and "reconstruction."
K.A.R. 28–19–16a ..	Definitions .....	10/10/97	1/11/00, 65 FR 1545.	
K.A.R. 28–19–16b ..	Permit Required .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16c ....	Creditable Emission Reductions ....	10/16/89	1/16/90, 55 FR 1420 ....	
K.A.R. 28–19–16d ..	Fugitive Emission Exemption .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16e ..	Relaxation of Existing Emission Limitations.	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16f ...	New Source Emission Limits .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16g ...	Attainment and Maintenance of National Ambient Air Quality Standards.	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16h ..	Compliance of Other Sources .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16i ....	Operating Requirements .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16j ....	Revocation and Suspension of Permit.	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16k ...	Notification Requirements .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16l ....	Failure to Construct .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16m ...	Compliance with Provisions of Law Required.	10/16/89	1/16/90, 55 FR 1420.	
Attainment Area Requirements				
K.A.R. 28–19–17 ....	Prevention of Significant Deterioration of Air Quality.	11/22/02	2/26/03, 68 FR 8845 ....	K.A.R. 28–19–17a through 28–19–17q revoked. Provision moved to K.A.R. 28–19–350.
Stack Height Requirements				
K.A.R. 28–19–18 ....	Stack Heights .....	5/1/88	4/20/89, 54 FR 15934 ..	The state regulation has stack height credit. The EPA has not approved that part.
K.A.R. 28–19–18b ..	Definitions .....	5/1/88	4/20/89, 54 FR 15934.	
K.A.R. 28–19–18c ...	Methods for Determining Good Engineering Practice Stack Height.	5/1/88	4/20/89, 54 FR 15934.	
K.A.R. 28–19–18d ..	Fluid Modeling .....	5/1/88	4/20/89, 54 FR 15934.	
K.A.R. 28–19–18e ...	Relaxation of Existing Emission Limitations.	5/1/88	4/20/89, 54 FR 15934.	
K.A.R. 28–19–18f ...	Notification Requirements .....	5/1/88	4/20/89, 54 FR 15934.	

# Environmental Protection Agency

§ 52.870

## EPA-APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Explanation
<b>Continuous Emission Monitoring</b>				
K.A.R. 28–19–19 ....	Continuous Emission Monitoring ...	6/8/92	1/12/93, 58 FR 3847.	
<b>Processing Operation Emissions</b>				
K.A.R. 28–19–20 ....	Particulate Matter Emission Limitations.	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–21 ....	Additional Emission Restrictions ...	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–23 ....	Hydrocarbon Emissions—Stationary Sources.	12/27/72	11/8/73, 38 FR 30876.	
K.A.R. 28–19–24 ....	Control of Carbon Monoxide Emissions.	1/1/72	11/8/73, 38 FR 30876.	
<b>Indirect Heating Equipment Emissions</b>				
K.A.R. 28–19–30 ....	General Provisions .....	1/1/72	5/31/72, 37 FR 10867.	
K.A.R. 28–19–31 ....	Emission Limitations .....	11/8/93	10/18/94, 59 FR 52425.	
K.A.R. 28–19–32 ....	Exemptions—Indirect Heating Equipment.	11/8/93	10/18/94, 59 FR 52425.	
<b>Incinerator Emissions</b>				
K.A.R. 28–19–40 ....	General Provisions .....	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–41 ....	Restriction of Emission .....	12/27/72	11/8/73, 38 FR 30876.	
K.A.R. 28–19–42 ....	Performance Testing .....	1/1/72	11/8/73, 38 FR 30876.	
K.A.R. 28–19–43 ....	Exceptions .....	1/1/71	5/31/72, 37 FR 10867.	
<b>Air Pollution Emergencies</b>				
K.A.R. 28–19–55 ....	General Provisions .....	1/1/72	5/31/72, 37 FR 10867.	
K.A.R. 28–19–56 ....	Episode Criteria .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–57 ....	Emission Reduction Requirements	1/1/72	5/31/72, 37 FR 10867.	
K.A.R. 28–19–58 ....	Emergency Episode Plans .....	1/1/72	5/31/72, 37 FR 10867.	
<b>Volatile Organic Compound Emissions</b>				
K.A.R. 28–19–61 ....	Definitions .....	10/7/91	6/23/92, 57 FR 27936.	
K.A.R. 28–19–62 ....	Testing Procedures .....	10/7/71	6/23/92, 57 FR 27936.	
K.A.R. 28–19–63 ....	Automobile and Light Duty Truck Surface Coating.	11/8/93	10/18/94, 59 FR 52425.	
K.A.R. 28–19–64 ....	Bulk Gasoline Terminals .....	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–65 ....	Volatile Organic Compounds (VOC) Liquid Storage in Permanent Fixed Roof Type Tanks.	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–66 ....	Volatile Organic Compounds (VOC) Liquid Storage in External Floating Roof Tanks.	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–67 ....	Petroleum Refineries .....	5/1/86	1/2/87, 52 FR 53.	
K.A.R. 28–19–68 ....	Leaks from Petroleum Refinery Equipment.	5/1/86	1/2/87, 52 FR 53.	
K.A.R. 28–19–69 ....	Cutback Asphalt .....	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–70 ....	Leaks from Gasoline Delivery Vessels and Vapor Collection Systems.	5/15/98	1/11/00, 65 FR 1545.	
K.A.R. 28–19–71 ....	Printing Operations .....	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–72 ....	Gasoline Dispensing Facilities .....	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–73 ....	Surface Coating of Miscellaneous Metal Parts and Products and Metal Furniture.	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28–19–74 ....	Wool Fiberglass Manufacturing .....	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–76 ....	Lithography Printing Operations .....	10/7/91	6/23/92, 57 FR 27936.	
K.A.R. 28–19–77 ....	Chemical Processing Facilities That Operate Alcohol Plants or Liquid Detergent Plants.	10/7/91	6/23/92, 57 FR 27936.	
<b>General Provisions</b>				
K.A.R. 28–19–200 ..	General Provisions; definitions .....	10/10/97	1/11/00, 65 FR 1545 ....	New rule. Replaces K.A.R. 28–19–7 definitions.

## EPA-APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Explanation
K.A.R. 28–19–201 ..	General Provisions; Regulated Compounds List.	10/10/97	1/11/00, 65 FR 1545 ....	New rule. Replaces Regulated Compounds in K.A.R. 28–19–7.
K.A.R. 28–19–204 ..	Permit Issuance and Modification; Public Participation.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–210 ..	Calculation of Actual Emissions ....	11/22/93	1/11/00, 65 FR 1545.	
K.A.R. 28–19–212 ..	Approved Test Methods and Emission Compliance Determination Procedures.	1/23/95	7/17/95, 60 FR 36361.	
Construction Permits and Approvals				
K.A.R. 28–19–300 ..	Applicability .....	1/23/95	7/17/95, 60 FR 36361.	Kansas did not adopt subsections with references to the clean unit exemptions, pollution control projects and the record-keeping provisions for the actual-to-projected-actual emissions applicability test because of the June 24, 2005, decision of the United States Court of Appeals for the District of Columbia Circuit relating to the Clean Unit Exemption, Pollution Control Projects and the record-keeping provisions for the actual-to-projected-actual emissions applicability test.
K.A.R. 28–19–301 ..	Application and Issuance .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–302 ..	Additional Provisions; Construction Permits.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–303 ..	Additional Provisions; Construction Approvals.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–304 ..	Fees .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–350 ..	Prevention of Significant Deterioration (PSD) of Air Quality.	6/30/06	5/29/07, 72 FR 29429 ..	
General Permits				
K.A.R. 28–19–400 ..	General Requirements .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–401 ..	Adoption by the Secretary .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–402 ..	Availability of Copies; Lists of Sources to Which Permits Issued.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–403 ..	Application to Construct or Operate Pursuant to Terms of General Permits.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–404 ..	Modification, Revocation .....	1/23/95	7/17/95, 60 FR 36361.	
Operating Permits				
K.A.R. 28–19–500 ..	Applicability .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–501 ..	Emissions Limitations and Pollution Control Equipment for Class I and Class II Operating Permits; Conditions.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–502 ..	Identical Procedural Requirements	1/23/95	7/17/95, 60 FR 36361.	
Class II Operating Permits				
K.A.R. 28–19–540 ..	Applicability .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–541 ..	Application Timetable and Contents.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–542 ..	Permit-by-Rule .....	9/23/05	2/8/08, 73 FR 7468.	
K.A.R. 28–19–543 ..	Permit Term and Content; Operational Compliance.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–544 ..	Modification of Sources or Operations.	1/23/95	7/17/95, 60 FR 36361.	

# Environmental Protection Agency

§ 52.870

## EPA-APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Explanation
K.A.R. 28–19–545 ..	Application Fee .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–546 ..	Annual Emission Inventory .....	9/23/05	2/8/08, 73 FR 7468.	
K.A.R. 28–19–561 ..	Permit-by-Rule; Reciprocating Engines.	9/23/05	2/8/08, 73 FR 7468.	
K.A.R. 28–19–562 ..	Permit-by-Rule; Organic Solvent Evaporative Sources.	9/23/05	2/8/08, 73 FR 7468.	
K.A.R. 28–19–563 ..	Permit-by-Rule; Hot Mix Asphalt Facilities.	9/23/05	2/8/08, 73 FR 7468.	
K.A.R. 28–19–564 ..	Permit-by-Rule; Sources with Actual Emissions Less Than 50 Percent of Major Source Thresholds.	10/4/02	3/26/03, 68 FR 14540.	
<b>Open Burning Restrictions</b>				
K.A.R. 28–19–645 ..	Open Burning Prohibited .....	3/1/96	10/2/96, 61 FR 51366.	
K.A.R. 28–19–646 ..	Responsibility for Open Burning ....	3/1/96	10/2/96, 61 FR 51366.	
K.A.R. 28–19–647 ..	Exceptions to Prohibition on Open Burning.	3/1/96	10/2/96, 61 FR 51366.	
K.A.R. 28–19–648 ..	Agricultural Open Burning .....	3/1/96	10/2/96, 61 FR 51366.	
K.A.R. 28–19–650 ..	Emissions Opacity Limits .....	1/29/99	1/11/00, 65 FR 1545 ....	New rule. Replaces K.A.R. 28–19–50 and 28–19–52.
<b>Volatile Organic Compound Emissions</b>				
K.A.R. 28–19–714 ..	Control of Emissions from Solvent Metal Cleaning.	9/1/02	10/30/02, 67 FR 66058.	
K.A.R. 28–19–717 ..	Control of Volatile Organic Compound (VOC) Emissions from Commercial Bakery Ovens in Johnson and Wyandotte Counties.	12/22/00	12/12/01, 66 FR 64148.	
K.A.R. 28–19–719 ..	Fuel Volatility .....	4/27/01	2/13/02, 67 FR 6655.	
<b>Conformity</b>				
K.A.R. 28–19–800 ..	General Conformity of Federal Actions.	3/15/96	10/2/96, 61 FR 51366.	

(d) *EPA-approved State source-specific permits.*

## EPA-APPROVED KANSAS SOURCE-SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
(1) Board of Public Utilities, Quindaro Power Station	2090048	10/20/93	10/18/94, 59 FR 52425.	
(2) Board of Public Utilities, Kaw Power Station .....	2090049	10/20/93	10/18/94, 59 FR 52425.	

(e) *EPA-approved nonregulatory provisions and quasi-regulatory measures.*

## EPA-APPROVED KANSAS NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or Nonattainment area	State submittal date	EPA approval date	Explanation
(1) Implementation Plan for Attainment and Maintenance of the National Air Quality Standards.	Statewide .....	1/31/72 .....	5/31/72, 37 FR 10867.	
(2) Comments on the Plan in Response to EPA Review.	Kansas City .....	3/24/72 .....	6/22/73, 38 FR 16550	Correction notice published 3/2/76.
(3) Emergency Episode Operations/Communications Manual.	Kansas City .....	4/6/72 .....	11/8/73, 38 FR 30876	Correction notice published 3/2/76.
(4) Emergency Episode Operations/Communications Manual.	Statewide except Kansas City.	2/15/73 .....	11/8/73, 38 FR 30876	Correction notice published 3/2/76.
(5) Letter Concerning Attainment of CO Standards.	Kansas City .....	5/29/73 .....	11/8/73, 38 FR 30876	Correction notice published 3/2/76.

## EPA-APPROVED KANSAS NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or Nonattainment area	State submittal date	EPA approval date	Explanation
(6) Amendment to State Air Quality Control Law Dealing with Public Access to Emissions Data.	Statewide .....	7/27/73 .....	11/8/73, 38 FR 30876	Correction notice published 3/2/76.
(7) Analysis and Recommendations Concerning Designation of Air Quality Maintenance Areas.	Statewide .....	2/28/74 .....	3/2/76, 41 FR 8956.	
(8) Ozone Nonattainment Plan .....	Kansas City .....	9/17/79 .....	4/3/81, 46 FR 20164.	
(9) Ozone Nonattainment Plan .....	Douglas County .....	10/22/79 .....	4/3/81, 46 FR 20164.	
(10) TSP Nonattainment Plan .....	Kansas City .....	3/10/80 .....	4/3/81, 46 FR 20164.	
(11) Lead Plan .....	Statewide .....	2/17/81 .....	10/22/81, 46 FR 51742.	
(12) CO Nonattainment Plan .....	Wichita .....	4/16/81 .....	12/15/81, 46 FR 61117.	
(13) Air Monitoring Plan .....	Statewide .....	10/16/81 .....	1/22/82, 47 FR 3112.	
(14) Letter and Supporting Documentation Relating to Reasonably Available Control Technology for Certain Particulate Matter Sources.	Kansas City .....	9/15/81 .....	6/18/82, 47 FR 26387	Correction notice published 1/12/84.
(15) Letter Agreeing to Follow EPA Interim Stack Height Policy for Each PSD Permit Issued Until EPA Revises the Stack Height Regulations.	Statewide .....	6/20/84 .....	12/11/84, 49 FR 48185.	
(16) Letters Pertaining to Permit Fees.	Statewide .....	3/27/86, 9/15/87 ...	12/21/87, 52 FR 48265.	
(17) Revisions to the Ozone Attainment Plan.	Kansas City .....	7/2/86, 4/16/87, 8/18/87, 8/19/87, 1/6/88.	5/18/88, 53 FR 17700.	
(18) Revised CO Plan .....	Wichita .....	3/1/85, 9/3/87 .....	10/28/88, 53 FR 43691.	
(19) Letter Pertaining to the Effective Date of Continuous Emission Monitoring Regulations.	Statewide .....	1/6/88 .....	11/25/88, 53 FR 47690.	
(20) Letters Pertaining to New Source Permit Regulations, Stack Height Regulations, and Stack Height Analysis and Negative Declarations.	Statewide .....	3/27/86, 12/7/87, 1/6/88.	4/20/89, 54 FR 15934.	
(21) PM <sub>10</sub> Plan .....	Statewide .....	10/5/89, 10/16/89	1/16/90, 55 FR 1420.	
(22) Ozone Maintenance Plan .....	Kansas City .....	10/23/91 .....	6/23/92, 57 FR 27936.	
(23) Letter Pertaining to PSD NO <sub>x</sub> Requirements.	Statewide .....	9/15/92 .....	1/12/93, 58 FR 3847.	
(24) Small Business Assistance Plan.	Statewide .....	1/25/94 .....	5/12/94, 59 FR 24644.	
(25) Letter Regarding Compliance Verification Methods and Schedules Pertaining to the Board of Public Utilities Power Plants.	Kansas City .....	12/11/92 .....	10/18/94, 59 FR 52425.	
(26) Emissions Inventory Update Including a Motor Vehicle Emissions Budget.	Kansas City .....	5/11/95 .....	4/25/96, 61 FR 18251.	
(27) Air monitoring plan .....	Statewide .....	1/6/02 .....	8/30/02, 67 FR 55726.	
(28) Maintenance Plan for the 1-hour ozone standard in the Kansas portion of the Kansas City maintenance area for the second ten-year period.	Kansas City .....	1/9/03 .....	1/13/04, 69 FR 1919.	
(29) Revision to Maintenance Plan for the 1-hour ozone standard in the Kansas portion of the Kansas City maintenance area for the second ten-year period.	Kansas City .....	2/10/06 .....	6/26/06, 71 FR 36213.	
(30) CAA 110(a)(2)(D)(i) SIP—Interstate Transport.	Statewide .....	1/7/07 .....	3/9/07, 72 FR 10608.	
(31) Maintenance Plan for the 8-hour ozone standard in the Kansas portion of the Kansas City area.	Kansas City .....	5/23/07 .....	8/9/07, 72 FR 44781.	This plan replaces numbers (28) and (29).

## Environmental Protection Agency

## § 52.874

[64 FR 7098, Feb. 12, 1999, as amended at 65 FR 1547, Jan. 11, 2000; 65 FR 39551, June 27, 2000; 66 FR 64150, Dec. 12, 2001; 67 FR 6658, Feb. 13, 2002; 67 FR 55728, Aug. 30, 2002; 67 FR 66060, Oct. 30, 2002; 68 FR 8846, Feb. 26, 2003; 68 FR 14541, Mar. 26, 2003; 68 FR 34545, June 10, 2003; 68 FR 64533, Nov. 14, 2003; 69 FR 1921, Jan. 13, 2004; 71 FR 36215, June 26, 2006; 72 FR 10610, Mar. 9, 2007; 72 FR 29431, May 29, 2007; 72 FR 44784, Aug. 9, 2007; 73 FR 7471, Feb. 8, 2008; 74 FR 15857, Apr. 8, 2009]

### § 52.871 Classification of regions.

The Kansas plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Kansas City Interstate .....	I	III	III	I	I
South Central Kansas Intrastate .....	I	III	III	III	I
Northeast Kansas Intrastate .....	I	III	III	III	III
Southeast Kansas Intrastate .....	III	III	III	III	III
North Central Kansas Intrastate .....	I	III	III	III	III
Northwest Kansas Intrastate .....	I	III	III	III	III
Southwest Kansas Intrastate .....	I	III	III	III	III

[37 FR 10867, May 31, 1972]

### § 52.872 Operating permits.

Emission limitations and related provisions which are established in Kansas operating permits as Federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem permit conditions not Federally enforceable. Such a determination will be made according to appropriate procedures and be based upon the permit, permit approval procedures, or permit requirements which do not conform with the operating permit program requirements or the requirements of EPA underlying regulations.

[60 FR 36364, July 17, 1995]

### § 52.873 Approval status.

(a) The Kansas portion of the Kansas City metropolitan area was designated as nonattainment for ozone in 40 CFR part 81. Therefore, the Administrator approves continuation of the 7.8 RVP limit as federally enforceable in the Kansas City metropolitan area, even after the area is redesignated to attainment, because of its nonattainment designation effective January 6, 1992. Also, the requirement for 7.8 psi RVP volatility is deemed necessary to ensure attainment and maintenance of the ozone standard as demonstrated by the emissions inventory projections (based on use of 7.8 psi RVP) in Kansas'

ozone maintenance plan for the Kansas City metropolitan area.

(b) [Reserved]

(c) The Administrator approves Rule K.A.R. 28-19-31 as identified at § 52.870(c)(29), with the understanding that any alternative compliance plans issued under this rule must be approved by EPA as individual SIP revisions.

[37 FR 10867, May 31, 1972, as amended at 46 FR 20170, Apr. 3, 1981; 46 FR 61118, Dec. 15, 1981; 57 FR 27939, June 23, 1992; 59 FR 52427, Oct. 18, 1994; 61 FR 16061, Apr. 11, 1996]

### § 52.874 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met since authority to make emission data available to the public is inadequate. Kansas Statutes Annotated 65-3015 would require confidential treatment if the data related to processes or production unique to the owner or would tend to affect adversely the competitive position of the owner.

(b) The requirements of § 51.232(b) of this chapter are not met since the following deficiencies exist in the local agency legal authority:

(1) *Kansas City, Kans.-Wyandotte County Health Department.* (i) Authority to make emission data available to the